

**REMARKS**

Claims 1-5, 14-18, and 34-53 are pending in the application.

**REJECTION OF CLAIMS 38-53 UNDER 35 US §112, PARAGRAPH 1**

Claim 38 has been amended to recite BIS-PEG-15 Dimethicone/IPDI Copolymer instead of --Polydimethylsiloxane-polyoxy ethylene(15)polymer with 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate--. As shown in Exhibit D, attached to applicants' last response (and attached hereto), this is the proper INCI name for --Polydimethylsiloxane-polyoxy ethylene (15) polymer with 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate--. If requested, applicant can instead claim the CAS Number 190793-18-1. The following shows why the present recitation of this polymer in claim 38 introduces no new matter and that the inventors clearly had possession of the claimed invention at the time the application was filed.

1. The specification

The examiner is directed to the specification at page 15, lines 5-9, disclosing that a "particularly useful" copolymer is "BIS-PEG 15 dimethicone/IPDI copolymer (i.e., a polydimethylsiloxane-polyoxyethylene 15 polymer copolymerized with 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate), available from Alza International, Sayreville, NJ." This is the exact terminology now recited in claim 38 so it was clearly and adequately described in the specification, and certainly in the possession of the inventor, at the time of filing the application. Should the Examiner request the chemical name, applicants will substitute the decimal name from Exhibit D.

Further, as stated in Exhibit "E" attached hereto, the INCI nomenclature allow **consumers** to identify ingredient contents (*see* highlighted portion of Exhibit E, page 2). Certainly, therefore, the INCI name is a definite name to one skilled in this art.

Exhibit D is a product information sheet from Alza International (identified in the specification as a supplier of the claimed copolymer) for BIS-PEG 15 Dimethicone/IPDI

Copolymer (disclosed as such in the specification) and which provides the chemical name for the copolymer as applicants are willing to substitute in claim 38.

As applicants stated in a previous response:

"Applicants also have amended claim 1 to correct the nomenclature for the claimed copolymer available from Alzo [sic] International, Sayreville, NJ (see specification, page 15, lines 509 and page 34, lines 14-18). Applicants also provide Exhibit D, which provides the chemical name for the disclosed and claimed copolymer available from Alzo [sic] International Inc. No new matter is added by this amendment. The examiner is directed to page 15, lines 5-9 of the specification, which recites the INCI name (not a tradename) for this copolymer and which was originally recited in the claims."

Persons skilled in the art can readily identify the chemical name of the copolymer from the INCI name now claimed, and understand that the INCI name can be substituted for the chemical name, and vice versa, from literature, such as Exhibit D.

Based on Exhibit D, it is evident that no new matter has been introduced by the present recitation of the copolymer in claim 38. It is clear from the specification which polymer applicants intended to disclose and that applicants had possession of the claimed copolymer at the time of filing the application, i.e., applicants accurately and fully disclosed the manufacturer and, importantly, the INCI name for the polymer. Applicants also fully disclosed the polymer by chemical name, except for a set of parentheses. Therefore, applicants strongly traverse the present rejection based on the introduction of new matter and under 35 U.S.C. §112, first paragraph. Applicants further submit that claim 38 fully complies with 35 U.S.C. §112.

Remaining claims 1-5, 7, 14-18 and 34-37 stand rejected under 35 USC §102(b) or 35 USC §103(a) as obvious over WO 01/01949.

Applicants have amended the claims that have been rejected based on WO 01/01949 to recite specific smectite clays and have provided further evidence of the unexpected results of the combination of a smectite clay together with the claimed PEG-30

dipolyhydroxystearate. The inorganic solids recited in WO 01/01949 are not the smectite clays, as now claimed, and are incapable of thickening hydrophobic liquids when combined with PEG-30 dipolyhydroxystearate, as shown in the enclosed Declaration of Ashoke Sengupta.

In a prior declaration mailed on January 17, 2006, we included test data that demonstrated that treatment of inorganic solids such as alumina, titanium dioxide, and zinc oxide with the amphiphilic copolymer, PEG-30 dipolyhydroxystearate, claimed in claims 1-5, 14-18 and 35-37, would produce low-viscosity (rather than viscous) dispersions of the foregoing solids in a hydrophobic liquid, octyl stearate. This trend starkly contrasts the unexpected finding of the present invention, i.e., thickening of smectite clay dispersions in hydrophobic liquids upon surface-treating the clay with the claimed copolymer.

In the latest office action, these claims have been rejected as being obvious over Lukenbach et al. (WO 01/01949) which discloses compositions comprising PEG-30 dipolyhydroxystearate and inorganic solids, namely, mica, alumina, silica, calcium silicate, sodium magnesium fluorosilicate (a modified version of talc), and mixtures thereof. In view of this cited prior art, we have recently carried out dispersion tests involving all (or their commercially available closest versions) of the inorganic solids (calcium silicate, fumed silica, fumed alumina, talc, mica, and sodium magnesium fluorosilicate) disclosed therein.

As shown in the enclosed Second Declaration of Ashoke Sengupta under 37 C.F.R. §1.132, the claimed smectite clays together with the claimed PEG-30 dipolyhydroxystearate (as claimed in claims 1-5, 14-18 and 34-37) provide the claimed thickening whereas the inorganic solids of WO 01/01949, thin hydrophobic liquids or provide very inadequate thickening in comparison to the claimed smectites.

It is submitted that it would not have been obvious to substitute the claimed smectite clays for the inorganic solids of WO 01/01949 since applicants have shown completely opposite effects of such a substitution.

Application No. 10/626,009  
Amendment dated August 1, 2007  
After Final Office Action of February 1, 2007

Docket No.: 28216/38681B

It is submitted that all remaining claims are of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

Dated: August 1, 2007

Respectfully submitted,

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## PRODUCT INFORMATION: NOMENCLATURE

### PRODUCT: POLYDERM PPI-SI-WS

**CHEMICAL NAME:** Polydimethylsiloxane-Polyoxyethylene (15) Polymer with 3-Isocyanatomethyl-3,5,5-Trimethylcyclohexyl Isocyanate

**INCI NAME:** BIS-PEG-15 Dimethicone/IPDI Copolymer

**CA INDEX NAME:** Siloxane and Silicones, di-Me, Hydroxy-Terminated, Ethoxylated, Polymers with 5-Isocyanato-1-(1-Isocyanatomethyl)-1,3,3-Trimethylcyclohexane

**CAS NUMBER:** 190793-18-1

**EINECS NUMBER:** Polymer exempt

Jan, 2005

# International Nomenclature of Cosmetic Ingredients

From Wikipedia, the free encyclopedia

The **International Nomenclature of Cosmetic Ingredients**, abbreviated **INCI**, is a system of names for waxes, oils, pigments, chemicals, and other ingredients of soaps, cosmetics, and the like, based on scientific names and other Latin and English words. Here is a table of a several common names and their corresponding INCI names.<sup>[1]</sup>

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## Table

Common name	INCI name
Vitamin E	<i>Tocopherol</i> <sup>[1]</sup>
Beeswax	<i>Beeswax</i> * <sup>[1]</sup>
Vegetable Glycerin	<i>Glycerin</i> <sup>[1]</sup>
Oat Bran	<i>Avena Sativa (Oat) Bran</i> <sup>[1]</sup>
Shea Butter	<i>Butyrospermum Parkii (Shea Butter)</i> <sup>[1]</sup>
Passion Fruit Juice	<i>Passiflora Edulis Fruit Juice</i> <sup>[1]</sup>
Red Rose Water	<i>Rosa Damascena Flower Water</i> <sup>[1]</sup>
Raspberry Extract	<i>Rubus Idaeus (Raspberry) Fruit Extract</i> <sup>[1]</sup>
Tea Tree Oil	<i>Melaleuca Alternifolia (Tea Tree) Leaf Oil</i> <sup>[1]</sup>
Peppermint Leaf Oil	<i>Mentha Piperita (Peppermint) Oil</i> <sup>[1]</sup>
Spearmint Leaf Oil	<i>Mentha Viridis (Spearmint) Leaf Oil</i> <sup>[1]</sup>
Wintergreen Leaf Oil	<i>Gaultheria Procumbens (Wintergreen) Leaf Oil</i> <sup>[1]</sup>
Lavender Oil	<i>Lavandula Angustifolia (Lavender) Oil</i> <sup>[1]</sup>
Cinnamin Leaf Oil	<i>Cinnamomum Cassia Leaf Oil</i> <sup>[1]</sup>
Lemon Peel Oil	<i>Citrus Medica Limonum (Lemon) Peel Oil</i> <sup>[1]</sup>
Valencia Orange Peel Oil	<i>Citrus Aurantium Dulcis (Orange) Peel Oil</i> <sup>[1]</sup>
Pink Grapefruit Peel Oil	<i>Citrus Paradisi (Grapefruit) Peel Oil</i> <sup>[1]</sup>
Roman Chamomile Oil	<i>Anthemis Nobilis Flower Oil</i> <sup>[1]</sup>



Jasmine Oil	<i>Jasminum Officinale (Jasmine) Oil</i> <sup>[1]</sup>
Sunflower Oil	<i>Helianthus Annuus (Sunflower) Seed Oil</i> <sup>[1]</sup>
Hemp Seed Oil	<i>Cannabis Sativa Seed Oil</i> <sup>[1]</sup>
Extra Virgin Olive Oil	<i>Olea Europaea (Olive) Fruit Oil</i> <sup>[1]</sup>
Saponified Oil of Coconut	<i>Sodium Cocoate</i> <sup>[1]</sup>
Saponified Oil of Palm	<i>Sodium Palmate</i> <sup>[1]</sup>
Jojoba Seed Oil	<i>Simmondsia Chinensis (Jojoba) Seed Oil</i> <sup>[1]</sup>
Aloe Vera Leaf Gel	<i>Aloe Barbadensis Leaf</i> <sup>[1]</sup>
Yucca Herbal Extract	<i>Yucca Schidigera Extract</i> <sup>[1]</sup>

\* Some common names and INCI names are the same name.<sup>[1]</sup>

## INCI labeling

In America, under the Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act, certain accurate information is a requirement to appear on labels of cosmetic products.<sup>[2]</sup> In Canada, the regulatory guideline is the Food and Drugs Act and Cosmetic Regulations.<sup>[3]</sup> The cosmetic regulation laws are enforceable for important consumer safety. For example, the ingredients are listed on the ingredient declaration for the purchaser to reduce the risk of an allergic reaction to an ingredient the user has had an allergy to before. INCI names are mandated on the ingredient statement of every consumer personal care product. The INCI system allows the consumer to identify the ingredient content.

## See also

- Ingredients of cosmetics

## References

- ↑ *a b c d e f g h i j k l m n o p q r s t u v w x y z aa ab ac* CTFA International Buyers' Guide: Introduction and INCI Labeling Names Search Page. CTFA Website (<http://www.ctfa-buyersguide.org/>)
- ↑ FDA/CFSAN - Cosmetics Labeling Manual: Summary of regulatory requirements for labeling of cosmetics marketed in the United States. USA Cosmetic Regulations (<http://vm.cfsan.fda.gov/~dms/cos-lab1.html>)
- ↑ Canadian Regulation for Cosmetics: Guidelines for Cosmetics Manufacturers, Importers and Distributors. Canadian Cosmetic Regulations ([http://www.hc-sc.gc.ca/cps-spc/pubs/indust/cosmet\\_guide/index\\_e.html](http://www.hc-sc.gc.ca/cps-spc/pubs/indust/cosmet_guide/index_e.html))

## External links

- More Info by Soapnuts (<http://www.soapnuts.com/inci.html>)
- OSHUN ~ INCI Names (<http://www.oshun.ca/inci.html>)
- European INCI Search Engine ([http://pharmacos.eudra.org/F3/cosmetic/cosm\\_inci\\_index.htm](http://pharmacos.eudra.org/F3/cosmetic/cosm_inci_index.htm))
- Diccionario de Ingredientes Cosméticos ([http://www.imagenpersonal.net/di\\_in\\_co.htm](http://www.imagenpersonal.net/di_in_co.htm))
- European Inventory of Ingredients ([http://ec.europa.eu/enterprise/cosmetics/html/cosm\\_inci\\_list.htm](http://ec.europa.eu/enterprise/cosmetics/html/cosm_inci_list.htm))